

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

NICOLE RICOBENE,	)	
	)	
Plaintiff,	)	FILED STAMP: JULY 30, 2008
	)	08CV4309
vs.	)	JUDGE LINDBERG
	)	MAG. JUDGE COLE
ACCOUNT RECOVERY SERVICES, INC.,	)	J. N.
	)	
Defendant.	)	

**COMPLAINT**

**INTRODUCTION**

1. Plaintiff Nicole Ricobene brings this action to secure redress from unlawful credit and collection practices engaged in by defendant Account Recovery Services, Inc.. Plaintiff alleges violation of the Fair Debt Collection Practices Act, 15 U.S.C. §1692 et seq. ("FDCPA").

**VENUE AND JURISDICTION**

2. This Court has jurisdiction under 15 U.S.C. §1692k (FDCPA), 28 U.S.C. §1331 and 28 U.S.C. §1337.

3. Venue and personal jurisdiction in this District are proper because:

- a. Defendant's collection communications were received by plaintiff within this District;
- b. Defendant does business within this District.

**PARTIES**

4. Plaintiff Nicole Ricobene is an individual who resides in the Northern District of Illinois.

5. Defendant Account Recovery Services, Inc. is an Illinois corporation with offices at 5183 Harlem Road, Suite 7, Loves Park, IL 61111.

6. Account Recovery Services, Inc. is engaged in the business of using the mails and telephone to collect consumer debts originally owed to others.

7. Account Recovery Services, Inc. is a debt collector as defined in the FDCPA.

**FACTS**

8. Defendant has been attempting to collect from plaintiff an alleged defaulted debt incurred for personal, family or household purposes, namely a medical bill.
9. On Dec. 27, 2007, defendant sent plaintiff the letter attached as Exhibit A.
10. On Feb. 27, 2008, defendant sent plaintiff the letter attached as Exhibit B.
11. On April 18, 2008, defendant sent plaintiff the letter attached as Exhibit C.
12. No suit was ever filed.
13. Neither the medical provider nor defendant file lawsuits on \$180 medical bills.

**VIOLATIONS COMPLAINED OF**

14. Defendant violated 15 U.S.C. §1692e, 1692e(2), 1692e(5) and 1692e(10) by sending Exhibits A-C to plaintiff.

15. Section 1692e provides:

**§ 1692e. False or misleading representations [Section 807 of P.L.]**

**A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section: . . .**

**(2) The false representation of--**

**(A) the character, amount, or legal status of any debt; . . .**

**(5) The threat to take any action that cannot legally be taken or that is not intended to be taken. . . .**

**(10) The use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer. . . .**

WHEREFORE, the Court should enter judgment in favor of plaintiff and against defendant for:

- (1) Statutory damages;

- (2) Attorney's fees, litigation expenses and costs of suit;
- (3) Such other and further relief as the Court deems proper.

s/ Daniel A. Edelman  
Daniel A. Edelman

Daniel A. Edelman  
Cathleen M. Combs  
James O. Lattuner  
EDELMAN, COMBS, LATTURNER  
& GOODWIN, L.L.C.  
120 S. LaSalle Street, 18th Floor  
Chicago, Illinois 60603  
(312) 739-4200  
(312) 419-0379 (FAX)

**JURY DEMAND**

Plaintiff demands trial by jury.

s/ Daniel A. Edelman  
Daniel A. Edelman

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**NOTICE OF LIEN AND ASSIGNMENT**

Please be advised that we claim a lien upon any recovery herein for 1/3 or such amount as a court awards. All rights relating to attorney's fees have been assigned to counsel.

s/ Daniel A. Edelman  
Daniel A. Edelman

Daniel A. Edelman  
EDELMAN, COMBS, LATTURNER  
& GOODWIN, LLC  
120 S. LaSalle Street, 18th Floor  
Chicago, Illinois 60603  
(312) 739-4200  
(312) 419-0379 (FAX)

08CV4309

JUDGE LINDBERG

MAG. JUDGE COLE

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# EXHIBIT A



Collection Specialists

Account Recovery Services, Inc.

P.O. Box 2526 Loves Park, IL 61132

Phone (815) 639-9300

Fax (815) 639-9325

December 27, 2007

67624

NICOLE RICOBENE  
8224 SPRUCE LANE  
Tinley Park, IL 60477  
|||||

RE: Paul Newman LCSW

\$180.00

TOTAL: \$180.00

Dear NICOLE RICOBENE,

You have failed to respond to our previous notice advising you of the delinquency of your account.

It is our intent to pursue collection of this debt through every means available to us.

We extend this opportunity to settle this debt in a friendly manner. You may either send your payment in full to Account Recovery Services, Inc. or call 815-639-9300. For your convenience, we accept all Major Credit Cards.

Sincerely,

KEVIN CHANCE  
815-639-9300

NICOLE RICOBENE

67624

Amount Enclosed: \$ \_\_\_\_\_ Comments: \_\_\_\_\_

☐ Visa ☐ M/C ☐ Discover ☐ Am Exp Card # \_\_\_\_\_Exp Date \_\_\_\_\_ CVV # \_\_\_\_\_ Signature \_\_\_\_\_  
(3 Digit # on Back)

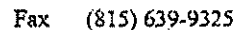
08CV4309

JUDGE LINDBERG

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## EXHIBIT B



This is an attempt to collect a debt. Any information obtained will be used for that purpose.

08CV4309

JUDGE LINDBERG

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J. N.

# EXHIBIT C

